

Finland's voluntary report on the implementation of voting rights of persons with disabilities

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*Background information on the National Council on Disability:*

*The National Council on Disability (NCD) is a co-operative organ for authorities, disability organisations and organisations for relatives of disabled people. It works in close cooperation with the Finnish Ministry of Social Affairs and Health. The National Council on Disability has 18 members representing nation-wide disability organisations, different ministries, the National Research and Development Centre for Welfare and Health and the Association of Finnish Local and Regional Authorities. Both the Council and its chairman are nominated by the Finnish Government for a period of three years.*

*The Council's purpose is to contribute to improving the living conditions of persons with disabilities as well as to promote the full implementation of their human rights. Furthermore, it seeks to promote the development of legislation, to add a disability perspective to community planning, to issue statements and to encourage development projects towards an inclusive society. The NCD closely follows disability policies implemented by different ministries and makes proposals to assure that disability issues will be taken into account. Initiatives are made also to develop accessible services in the private sector.*

Persons with disabilities and the right and opportunity to vote

In Finland all persons aged over 18 years have the right to vote. Thus also all persons with disabilities have the right to vote. The parliamentary elections are held in Finland every four years, and so are the municipal elections. The President of the Republic is elected every sixth year.

Finland has signed, though not yet ratified, the UN Convention on the Rights of Persons with Disabilities. The draft government bill regarding ratification of the Convention was presented on

17 January 2014 to the Minister for Foreign Affairs, Mr Tuomioja. In regard to voting rights the draft bill stated that our legislation complies with the obligations laid down in the Convention. But there are still a number of procedures in practice that have to be developed so as to ensure the voting rights of persons with disabilities. The OSCE/ODIHR Election Assessment Mission to Parliamentary elections in 2011 in Finland also highlighted this issue. The Mission concluded that Finland should increase efforts to fully enable voters with disabilities in their right to a secret vote, as per the OSCE Copenhagen Document and the UN Convention on the Rights of Persons with Disabilities.

Finland published its Disability Policy Programme in 2010. The programme includes 122 measures to improve the status of persons with disabilities in the society. The programme also includes two measures to secure the opportunity to vote for persons with disabilities. The first of these measures is to ensure the accessibility of voting facilities. The programme emphasises that voting at the voting station is distinctly preferred. Voting at home is a secondary option. Secondly, the needs of persons with disabilities should be taken into account when developing electronic voting, so as to improve the possibilities of persons with disabilities to vote independently.

Finland is preparing a new Local Government Act. The aim is, among other things, to reduce the number of municipalities, and also to promote civic democracy. Relating to the local government reform a ministerial working group has decided to launch a project to prepare voting over the internet and an electronic local government referendum. The Ministry of Justice has set up a working group to consider different solutions to organise internet voting and their suitability for Finnish elections and referenda. A parliamentary monitoring group consisting of Members of Parliament has also been set up to support the preparation of the project. The group is tasked to follow the arrangements of internet voting. It will also consider if the binding principles are being implemented in internet voting. Those principles include, for example, voting secrecy, universal suffrage and that each person with right to vote will vote by him/herself. Internet voting is expected to improve the possibilities of persons with disabilities to vote independently.

What should be taken into consideration in developing the electronic voting procedure? In electronic voting taking place at a voting station the voting terminal must be accessible. Such could be for instance a terminal that is keyed in, resembling a smart card reader installation. It would be suited in particular for persons with visual impairments. Persons with intellectual disabilities, on the

other hand, need an easy-to-use electronic voting system. The said installation could also fulfil this criterion.

Some persons with (physical) mobility disabilities need to have IT applications used in some other way than by hand, while internet voting at home presupposes assistive device applications installed on the computer. All persons with disabilities do not have those yet. Additional applications are needed both by persons with visual impairments and persons with (physical) mobility disabilities. It has to be remembered though that, despite IT applications, there will always be persons that anyway need assistance from another person. Access to this assistance must also be ensured. That should however not be the primary solution.

Because of the present voting procedure using ballot paper, many persons with disabilities have unnecessarily had to use an assistant at voting events. The assistant is either an election official or a trustworthy person chosen by the person him/herself. A number of persons with intellectual disabilities, visual impairments and (physical) mobility disabilities need assistance. In these cases voting secrecy is shared with another person. Consequently, voting secrecy provided for in the law is not wholly fulfilled.

The Ministry of Justice has undertaken measures to secure voting secrecy and opportunity to vote for persons with disabilities. The Ministry has produced plain-language election brochures and videos. Brochures have been produced for presidential, parliamentary and municipal elections. Election material has also been provided in Braille. For instance the lists of the European Parliament election candidates have been printed in Braille. Instructions for voters are published at the website of the Ministry in sign language in Finnish, and in Swedish for Swedish-speaking citizens. Election officials have been given detailed instructions on how to offer assistance at the voting event. The accessibility of voting stations has been stressed. It is naturally allowed to take guide dogs and assistance dogs to voting facilities, and specific instructions have been given to officials.

There are at present about 1,500 persons with intellectual disabilities living in residential institutions in Finland. Approximately 10,000 are living in different kinds of group-home units. There is no collected information on how the voting right of persons with intellectual disabilities or multiple disabilities living in institutions and housing units is implemented in reality. It is however evident that the attitude of the staff towards voting is crucial in particular at institutions and housing

units for persons with intellectual disabilities. The so called polling card is posted to persons living in institutions in the same way as to other Finnish citizens. If the person cannot vote on the polling day at the voting station, the institution must arrange that election officials come to the institution for home voting. The role of staff is emphasised in particular in regard to the persons with most severe disabilities as they cannot always themselves ensure that their voting rights are implemented.

There is no specific data on how many persons with disabilities use their right to vote in Finland or how many persons do not vote for reasons due to their disability. The general voter participation in Finland is from 40 per cent (European Parliament elections) to about 70 per cent (parliamentary and presidential elections).